



U.S. Department
of Transportation
**Federal Railroad
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

NOV 15 2002

Dr. Knox Mellon
State Historic Preservation Officer
Office of Historic Preservation
P.O. Box 942896
Sacramento, CA 94296-0001

Subject: Program EIR/EIS for Proposed California High Speed Rail Program

Dear Dr. Mellon:

The Federal Railroad Administration (FRA) wishes to initiate consultation with you under Section 106 of the National Historic Preservation Act as part of the environmental review process for the proposed California High Speed Rail Program. The FRA and the California High Speed Rail Authority (Authority) in partnership have begun the preparation of a Program (EIR/EIS) for a proposed High Speed Rail System connecting the major urban centers of California. This initial phase of environmental review will evaluate system alternatives and alternative high speed rail routes. Later phases of this tiered review process will evaluate site-specific environmental impacts as appropriate.

The FRA and the Authority have concluded that implementation of the High Speed Rail Program is likely to involve Federal actions under the National Environmental Policy Act and Federal undertakings under the National Historic Preservation Act, including possible railroad safety regulatory actions, approvals to cross Federally-owned land and rights of way, and potential Federal financial support. The FRA, an operating administration with the United States Department of Transportation, is serving as lead Federal agency. The Authority, a state agency established by the state Legislature and authorized to plan, construct, and operate a high speed rail system in California (See Cal. Public Utilities Code section 185000 et seq.), will be the lead agency for the state (CEQA) review. The FRA is authorizing the Authority to initiate consultations with your office for this program in accordance with 36 C.F.R. 800.2(c)(4). However, FRA will remain legally responsible for all Section 106 findings and determinations. Because to the best of our knowledge, the undertaking will not affect any tribal lands, as defined in 36 C.F.R. 800.16(x), it does not appear that it will be necessary to initiate consultation with Tribal Historic Preservation Officers, [36 C.F.R. 800.3(d)].

We propose a phased identification effort, as provided for in 36 CFR 800.4(b)(2). Initial steps to identify historic properties will be taken as part of the current Program EIR/EIS [36 CFR 800.4(a)]. We suggest that in the near future we designate an appropriate area of potential effects (APE) for this undertaking [36 CFR 800.4(a)(1)] in relation to the proposed corridors and locations, which typically follow existing railroad alignments and highway routes or are adjacent to existing airports. Records searches for the APE will be obtained from the appropriate Information Centers of the California Historical Resources Information System. For resources that are integral to the alternatives, such as LA Union Station, additional consultation will take place with local historic preservation interests. In addition, the Native American Heritage Commission will be asked to search its Sacred Lands file and to provide lists of Native American

contacts for the APE. Letters will be sent to the appropriate Native American contacts on the lists. The letters will provide information about the project and request information about any traditional cultural properties, which could be affected by the project [36 CFR 800.4(a)(4)].

We will shortly be asking for your review of the historic and archeological assessment methodologies proposed for use in this effort. The Authority divided the statewide system into five regions and has consulting teams for each region, who will prepare environmental impact assessments. They will rank the sensitivity (high, medium, or low) of the alternatives being studied in the Program EIR/EIS using the results of the records searches, combined with knowledge of the prehistory and history of the region. This information will be provided in a technical report and summarized in the programmatic EIR/EIS. The FRA and the Authority will involve the public through the EIR/EIS process [36 CFR 800.2(d)(3); 36 CFR 800.3(e)].

Other identification steps, including field surveys, would be performed after the Program EIR/EIS has been completed and routes have been selected for further engineering detail and environmental evaluation. These later identification efforts would be part of project-specific environmental reviews for the specific routes and are not part of the current undertaking.

We request your comments on our proposed implementation of the first steps in the Section 106 process for this undertaking. FRA would also suggest that it might be appropriate for the FRA, the Authority, and the Office of Historic Preservation to enter into a Programmatic Memorandum of Agreement at the conclusion of this Program EIR/EIS process, which would guide second tier environmental studies. We look forward to your consideration of this step and to the consultative process for this regionally significant project.

The FRA point of contact regarding this consultation will be Mr. David Valenstein, Environmental Program Manager, who can be reached at (202) 493-6368 or by email [david.valenstein@fra.dot.gov]. Please contact him should you have any questions or concerns about this program. The California High Speed Rail Authority may be reached by telephone at (916) 324-1541 and will follow this letter with additional correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark E. Yachmetz", with a long horizontal line extending to the right.

Mark E. Yachmetz
Associate Administrator
For Railroad Development

CC: California High Speed Rail Authority



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1120 Vermont Ave., N.W.
Washington, D.C. 20590

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Dr. Knox Mellon
State Historic Preservation Officer
Office of Historic Preservation
P.O. Box 942896
Sacramento, CA 94296-0001

Subject: APE for California High-Speed Train Program EIR/EIS

Dear Dr. Mellon:

As identified in the November 15, 2002 letter from the Federal Railroad Administration (FRA) and in discussions with your staff, the FRA and the California High-Speed Rail Authority are preparing a Programmatic Environmental Impact Report/Environmental Impact Statement (Program EIR/EIS) as part of the environmental review process for the California High-Speed Rail Program. Initial steps to identify historic properties will be taken as part of this process in order to help evaluate system alternatives and alternative high-speed train routes.

For this Program level EIR/EIS, the Area of Potential Effect (APE) will define the area for which records search information for archaeological sites will be collected, and the area that will be used to help evaluate the relative magnitude of potential effects to historic and cultural resources at this Tier-1 program phase of analysis. Any traditional cultural properties identified by the Native American Heritage Commission or Native Americans contacted about the project will be considered, whether or not they are in the APE used for the records searches at the Information Centers.

Several of the potential high-speed train routes that we are studying are located along existing railroad and freeway rights-of-way. In addition, we are evaluating a modal alternative that includes improvements to a number of existing airports and freeways. For the high-speed train alternative, we propose that the APE be defined as 500 feet on each side of the centerline of proposed high-speed train routes in non-urban areas and 100 feet from the centerline in urban areas. For the modal alternative, we propose that the APE for freeway routes and around airports be defined as 100 feet beyond the existing freeway right-of-way and 100 feet beyond the existing airport property boundary. The reason we propose using 100 feet for urban rail corridors is that very little additional right-of-way would be affected in these areas. Because freeway and airport capacity enhancements expand existing facilities, they too would require very little additional right-of-way. The use of 500 feet on each side of the high-speed train centerline in non-urban areas will provide information on wider corridors where additional right-of-way could be affected.

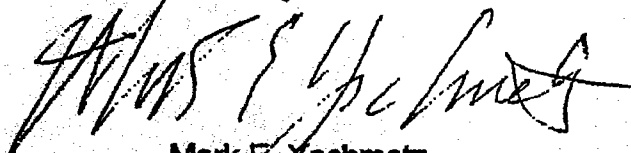
We have not yet identified locations of easements and construction-related facilities, such as equipment staging areas, borrow and disposal areas, access roads, and utilities. We expect to do so as part of the construction design program for the alternatives selected for

more detailed analysis in the next phase of the project. Thus, we will not consider these items in the program level Tier-1 analysis, but we would have this information for Tier-2 site-specific EIR/EIS's. The APE would be modified to include these items as part of the Tier-2 analysis.

We will likewise not be collecting information from the Historic Property Data File and other sources that provide addresses of individual historic structures at this program phase. The potential relative magnitude of effects on historic structures from the various alternatives will be evaluated based on the percentage of each alternative route that developed in various time periods (before 1900, 1900 to 1929, and 1930 to 1958). Potential impacts to specific resources would be assessed as part of a subsequent Tier-2 analysis.

We request your concurrence with the APE boundaries we have proposed for this program phase of the undertaking. We appreciate the cooperation we have received from your staff as we have consulted with them with respect to the appropriate APE definition and our approach to structuring the analyses to be conducted at the Tier-1 and Tier-2 phases of this important statewide project. Should you have any questions or concerns regarding this request, please contact Mr. David Valenstein at (202) 493-6368.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark E. Yachmetz', written over a horizontal line.

Mark E. Yachmetz
Associate Administrator
For Railroad Development

CC: D. Valenstein, FRA
D. Leavitt, CAHSRA
K. Field, PB
M. Duffey, DC
R. Mason, CG